

Permitting and Assistance Branch Staff Report
New Minor Waste Tire Facility Permit for Bay Area Tire Recycling, Inc.
TPID No. 1858981
August 10, 2016

Background Information and Analysis:

This report was developed in response to an application for a new Minor Waste Tire Facility Permit (WTFP) received from the operator of Bay Area Tire Recycling, Inc., located at 21401 Curtis Street, in the City of Hayward, Alameda County. Bay Area Tire Recycling, Inc. will operate on 0.83 acres within an existing warehouse located within the City of Hayward's Industrial zoning designation. The operation will consist of receiving, sorting, and baling used tires for further processing; the tires will only be stored indoors.

An application for a Minor WTFP was received by Permitting and Assistance Branch staff on June 20, 2016 and accepted as complete on July 18, 2016. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a Minor WTFP. CalRecycle is required to act by January 14, 2017.

Findings:

Staff recommends approval of the issuance of the proposed Minor WTFP. All of the required submittals and findings required by 14 CCR, Section 18431 have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes staff's findings relative to the permit application:

	Findings	
Compliance with Tire Storage Standards, 14 CCR Sections 17350-17356	Tire Enforcement staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on July 6, 2016, and no violations were cited. See Compliance History below for details	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-503) - 14 CCR Sections 18431(a) through (d)	All application forms were accepted by Permitting and Assistance Branch (PAB) staff as complete and correct on July 18, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR Section 18431(h)	<i>Local Fire Authority:</i> Mr. F. Chen and S. Buscovich of the Hayward Fire Department provided pre-approval with conditions for fire prevention measures for indoor tire storage on June 16, 2016. <i>Local Planning Department:</i> Mr. Michael Christensen of the City of Hayward, Planning Department issued Administrative Use Permit (No. 201602289) for the facility on June 13, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

California Environmental Quality Act (CEQA)	PAB staff determined that the issuance of the Minor WTFP is statutorily exempt from the requirements of CEQA. See additional Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	August 10, 2016	
Waste Evaluation and Enforcement Branch	July 28, 2016	

Compliance History:

An inspection was conducted by CalRecycle WEEB staff on July 6, 2016. Currently, a furniture repair shop operates at this location. The proposed site will undergo renovations before operations proceed that are reflected in the floor plan submitted to CalRecycle, i.e., removal of one wall and the addition of an automatic fire extinguishing system. The facility will not close escrow until the Minor WTFP is approved by CalRecycle. At that time, the current operations will move from Bay Area Tire Recycling, Inc.'s waste tire facility at 2033 American Ave., Hayward to this locale. No waste tires were present. No violations were noted.

Environmental Analysis:

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is the Lead Agency under CEQA and must make a determination as to whether the proposed Minor WTFP is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report (EIR).

The proposed project is for the storage of up to 4,999 waste tires/passenger tire equivalents within an existing structure. The proposed Minor WTFP is considered to be a project under CEQA [CEQA Guidelines, Section 15378(a)(3)] and the facility is required to obtain a Minor WTFP pursuant to 14 CCR Section 18420.

The City of Hayward issued an Administrative Use Permit for the facility and determined the project to be categorically exempt pursuant to 14 CCR, Section 15301 – Existing Facility. The Administrative Use Permit allows the facility to receive, sort, and bale used tires for further processing. The facility is consistent with the City of Hayward Industrial zoning designation. It has been determined that the project is statutorily exempt pursuant to Public Resources Code (PRC), Section 21083.3(b) – General Plan Consistency. The City of Hayward, 2040 General Plan, EIR (State Clearinghouse No. 2013082015) describes and supports the design and operation authorized by the issuance of a Minor WTFP.

CalRecycle staff finds the proposed project is consistent with the City of Hayward, 2040 General Plan, EIR. CalRecycle staff made the finding/determination that the statutory exemption, PRC, Section 21083.3(b) – General Plan Consistency is appropriate for CalRecycle's issuance of this proposed Minor WTFP.

Staff recommends that CalRecycle, acting as a Lead Agency under CEQA, prepare a Notice of Exemption (NOE) based on the Statutory Exemption [PRC Section 21083.3(b)] in that the proposed project is consistent with the City of Hayward, 2040 General Plan, EIR. The NOE will be filed with the State Clearinghouse following CalRecycle's issuance of the Minor WTFP.

Staff recommends the Statutory Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Ryan Elgi, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

Department staff provided an opportunity for public comment during CalRecycle's Monthly Public Meeting on July 19, 2016. No public comments have been received by CalRecycle staff.

Attachment: Minor WTFP